

STATE OF INDIANA)
COUNTY OF LAPORTE)

IN THE LAPORTE SUPERIOR COURT NO. 3
2004 CONTINUOUS TERM

JAMES H. HIGGASON, JR.,
Plaintiff

-vs-

INDIANA DEPARTMENT
OF CORRECTIONS,
Defendant

FILED
IN OPEN COURT

Cause No. 46DO3-0410-MT-332

OCT 06 2004

James H. Higgason
CLERK OF LA PORTE SUPERIOR COURT NO. 3
ORDER

Pursuant to Indiana Code 34-58-1-1, et al, the Court has ordered this claim docketed and has conducted a review as required by Indiana Code 34-58-1-2. The Court determines that the plaintiff's claim, in its many parts, is frivolous and is not a claim upon which relief may be granted and/or the monetary relief sought from a defendant, who is immune from liability for such relief.

Pursuant to Indiana Code 34-58-1-3, the Court determines that Mr. Higgason's 278 page claim sets forth the following types of complaints:

1. Allegations that he is not being fairly treated or even mistreated by the members of the D.O.C. for reasons of a racial nature and/or retaliation regarding his many lawsuits.
2. Complaints about past adjudications.
3. Access to legal materials. (In that connection, the Court would note that to it's knowledge Mr. Higgason has filed approximately 64 claims in Sullivan County and approximately twenty claims in LaPorte County.)
4. General laments concerning not receiving timely attention regarding his concerns about disciplinary procedures and other matters strictly within the authority of the Department of Corrections.

In summary, plaintiff presents a laundry list of various types of alleged violations of his constitutional rights. The Court finds that there is no basis in the facts he alleges to support those general claims.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff may not proceed and this matter is now dismissed, with prejudice.

SO ORDERED this 6th day of October, 2004.

Paul J. Baldoni
Paul J. Baldoni, Judge
LaPorte Superior Court No. 3

cc: James H. Higgason, Jr.

Ind Atty Gen.

minuted 10/7/04 ch